IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Kevin Retlich	§	Confirmation No.: 7591
	§	
Application No.: 09/672,935	§	Group Art Unit: 2178
	§	
Filed: September 28, 2000	§	Examiner: Stork, Kyle R.
	§	
For: MULTILINGUISTIC INDUSTRIAL	§	Atty. Docket: ALBR:0088/YOD/EUB
CONTROL AND MONITORING	§	00AB191
SYSTEM	§	

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF PURSUANT TO 37 C.F.R. §§ 41.31 AND 41.37

      This Appeal Brief is being filed in furtherance to the Notice of Appeal mailed on August 3, 2007, and received by the Patent Office on August 8, 2007. Appellant filed a Pre-Appeal Brief Request for Review with the Notice of Appeal. In a Notice of Panel Decision from Pre-Appeal Brief Review mailed October 29, 2007, the Office reset the time period for filing an appeal brief to one month from the mailing date of the decision, i.e., November 29, 2007. Consequently, Appellant respectfully submits that the present Appeal Brief is timely.

      Appellant also notes that a fee for a previous Appeal Brief has already been paid with respect to this application. Particularly, a fee of $500.00 was previously paid in connection with the Appeal Brief filed on May 30, 2006. Further, this previous appeal did not result in a final Board decision, as the Examiner withdrew the application from

appeal and reopened prosecution to withdraw the pending rejections and provide new grounds of rejection for the pending claims. Accordingly, Appellant respectfully submits that the fee paid for the previous Appeal Brief should be applied to the instant Appeal Brief, and believes that only $10.00 ($510.00 current fee for Appeal Brief - $500.00 previously paid in connection with brief filed May 30, 2006) is due for the present filing. The Commissioner is authorized to charge this $10.00 fee to Deposit Account No. 06-1315; Order No. ALBR:0088. However, should any additional fees be required to advance prosecution of the present application, the Commissioner is authorized to charge such additional fees to Deposit Account No. 06-1315; Order No. ALBR:0088.

Further, in accordance with 37 C.F.R. § 1.136, Appellant hereby provides a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor. Furthermore, Appellant authorizes the Commissioner to charge the appropriate fee for any extension of time to Deposit Account No. 06-1315, Order No. ALBR:0088.

1.   **REAL PARTY IN INTEREST**

The real party in interest is Rockwell Technologies, LLC, the Assignee of the above-referenced application by virtue of the Assignment recorded at reel 011166, frame 0383, and recorded on September 23, 2000, which is a division of Rockwell Automation, Inc. Rockwell Technologies, LLC, the Assignee of the above-referenced application, as evidenced by the document mentioned above, will be directly affected by the Board's decision in this Appeal.

2.   **RELATED APPEALS AND INTERFERENCES**

Appellant are unaware of any other appeals or interferences related to this appeal. The undersigned is Appellant's legal representative in this appeal.

3.   **STATUS OF CLAIMS**

Claims 1-28 are currently pending, are currently under final rejection, and, thus, are the subject of this appeal.

4.   **STATUS OF AMENDMENTS**

The instant claims have not been amended subsequent to the Final Office Action mailed May 3, 2007. Consequently, there are no outstanding amendments to be considered by the Board.

5.   **SUMMARY OF CLAIMED SUBJECT MATTER**

The present invention relates generally to the field of control and monitoring systems. *See* Application, page 1, lines 6-7. More specifically, the present invention relates to a novel technique for allowing multi-lingual, real-time representations of monitored devices and related parameter data. *See id.* at page 1, lines 7-10. The present application contains three independent claims, namely claims 1, 9, and 20, all of which have been improperly rejected and, thus, subject to this appeal. The subject matter of these claims is summarized below.

With regard to the aspect of the invention set forth in independent claim 1, discussions of the recited features of claim 1 can be found at least in the below cited locations of the specification and drawings. By way of example, an embodiment in accordance with the present invention relates to a control and monitoring system (e.g., 10) including a plurality of control and monitoring components (e.g., 32) coupled to a monitoring station (e.g., 18) via a data network (e.g., 14). *See, e.g., id.* at page 5, lines 4-16; page 6, lines 21-22; FIG. 1. The system includes a database (e.g., 96) having component data (e.g., 98) descriptive of the components and a plurality of language fields including textual labels (e.g., 154) for component data presentations translated into a plurality of languages. *See, e.g., id.* at page 10, line 27 – page 11, line 12; page 16, lines 22-29; page 18, line 24 – page 19, line 22; FIGS. 4-5. The system also includes a plurality of monitoring screens (e.g., 138) viewable on the monitoring station. *See, e.g., id.* at page 15, lines 24-26;

FIGS. 8-13. The monitoring screens, in turn, include representations of component

designations (e.g., 146, 162) and component status parameters (e.g., 148) based upon

monitored data collected by the monitoring station via the data network from the

components in which identifying component data (e.g., 80, 100) is stored. *See, e.g., id.* at

page 9, lines 13-24; page 11, lines 15-22; page 16, lines 4-20; page 17, lines 11-13. The

monitoring screens also include textual labels (e.g., 152) for the representations. *See, e.g.,*

id. at page 16, lines 16-20. The monitoring station is configured to build a view (e.g., 136)

of the components in real-time based upon the identifying component data and to access

textual labels (e.g., 154) in a desired language from the database for display in the

monitoring screens based upon the identifying component data collected from the

component. *See, e.g., id.* at page 14, lines 5-24; page 15, lines 19-26; page 16, lines 22-29;

page 18, line 24 – page 19, line 22.

　　With respect to the aspect of the invention set forth in independent claim 9,

discussions of the recited features of claim 9 can be found at least in the below cited

locations of the specification and drawings. By way of example, an embodiment in

accordance with the present invention relates to an industrial control and monitoring

system (e.g., 10) having a plurality of control and monitoring components (e.g., 32)

configured to control or monitor application of electrical power to a load, and including at

least data (e.g., 80, 100) identifying the components stored in the respective components.

See, e.g., id. at page 5, lines 4-13; page 6, lines 21-22; page 9, lines 13-24; page 11, lines 15-

22; FIG. 1. Further, the system includes a data network (e.g., 14) coupled to the components

for accessing parameter and identity data (e.g., 100) from the components. *See, e.g., id.* at

page 5, lines 4-6; page 9, lines 21-24; page 11, lines 15-22; FIG. 1. The system also

includes a database (e.g., 96) having component data (e.g., 98) descriptive of the

components and a plurality of language fields including textual labels (e.g., 154) for

component data presentations translated into a plurality of languages. *See, e.g., id.* at page

10, line 27 – page 11, line 12; page 16, lines 22-29; page 18, line 24 – page 19, line 22;

FIGS. 4-5. Additionally, the recited system includes a monitoring station (e.g., 18) coupled

to the data network and configured to access the parameter data and the identifying data

from the components, as well as a plurality of monitoring representations (e.g., 136) built in real-time based upon the identifying data and viewable on the monitoring station and including data about components and component status parameters based upon the parameter data, the representations including textual labels (e.g., 152) from the database in a desired language from the plurality of languages for display in the monitoring screens. *See, e.g., id.* at page 5, lines 15-16; page 15, lines 19-26; page 16, lines 16-20; page 18, line 24 – page 19, line 22; FIGS. 8-13.

Regarding the aspect of the invention set forth in independent claim 20, discussions of the recited features of claim 20 can be found at least in the below cited locations of the specification and drawings. By way of example, an embodiment in accordance with the present invention relates to a method for monitoring the status of a system (e.g., 10, 12) having a plurality of networked electrical components (e.g., 32). *See, e.g., id.* at page 5, lines 4-10; page 6, lines 21-22; FIG. 1. The method includes accessing (e.g., 238) component status and identity data (e.g., 100) from a plurality of electrical components (e.g., 32) of a control and monitoring system (e.g., 10) via a data network (e.g., 14), each component storing its respective identity data. *See, e.g., id.* at page 5, lines 4-6; page 6, lines 21-22; page 9, lines 21-24; page 11, lines 5-25; page 23, lines 21-24; FIG. 1. The method also includes accessing textual labels (e.g., 154) corresponding to the component status data from a system database (e.g., 96), the database including translations of the textual labels in a plurality of languages and component descriptions for the components. *See, e.g., id.* at page 10, line 27 – page 11, line 12; page 16, lines 22-29; page 18, line 24 – page 19, line 22; FIGS. 4-5. Further, the method includes displaying a plurality of monitoring representations (e.g., 136) for the components, built in real-time based on the status and identity data, including presentations of component status data (e.g., 148) and textual labels (e.g., 152) in a desired language of the plurality of languages accessed from the database. *See, e.g., id.* at page 15, lines 19-26; page 16, lines 13-20; page 18, line 24 – page 19, line 22; FIGS. 8-13.

6.   **GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

First Ground of Rejection for Review on Appeal:

Whether the Examiner has met his burden in establishing that claims 1-7 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,526,268 to Tkacs et al. ("the Tkacs et al. reference") in view of U.S. Patent No. 4,916,610 to Bapat ("the Bapat reference"), and further in view of the specification of the present patent application ("the Specification").

Second Ground of Rejection for Review on Appeal:

Whether the Examiner has met his burden in establishing that claim 8 is unpatentable under 35 U.S.C. § 103(a) over the Tkacs et al. reference, the Bapat reference, and the Specification, in further view of U.S. Patent No. 6,212,491 to Bargh et al. ("the Bargh et al. reference").

Third Ground of Rejection for Review on Appeal:

Whether the Examiner has met his burden in establishing that claims 9-20 and 22-28 are unpatentable under 35 U.S.C. § 103(a) over the Tkacs et al. reference in view of the Specification.

Fourth Ground of Rejection for Review on Appeal:

Whether the Examiner has met his burden in establishing that claim 21 is unpatentable under 35 U.S.C. § 103(a) over the Tkacs et al. reference and the Specification, in further view of the Bargh et al. reference.

7.   **ARGUMENT**

As discussed in detail below, the Examiner has improperly rejected the pending claims. Further, the Examiner has misapplied long-standing and binding legal precedents and principles in rejecting the claims under 35 U.S.C. § 103. Accordingly, Appellant respectfully requests full and favorable consideration by the Board, as Appellant strongly believes that claims 1-28 are currently in condition for allowance.

A.   **Ground of Rejection No. 1:**

The Examiner rejected claims 1-7 under 35 U.S.C. § 103(a) as unpatentable over the Tkacs reference in view of the Bapat reference, and further in view of the Specification. Because the art relied upon by the Examiner at least fails to disclose, suggest, or even hint at storing component identification data in the components themselves and then collecting the component identification data from the components to generate visual representations of the components, Appellant respectfully urges the Board to review and reverse the Examiner's rejection of claims 1-7.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). While the Supreme Court recently rejected a *rigid* application of a teaching, suggestion, or motivation test to determine obviousness, the Court noted that such a standard provides a "helpful insight" and that it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does ... because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. __, 127 S. Ct. 1727 (2007). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Deficiencies of the Rejection

Appellant respectfully submits that the Tkacs et al. and Bapat references, as well as the background section of Appellant's specification, collectively fail to disclose each element of claims 1-7. For instance, independent claim 1, which is believed to be representative of this group of claims, recites "a plurality of monitoring screens...including representations based upon monitoring data collected...via the data network from the *components in which identifying component data is stored*" (emphasis added). Further, claim 1 also recites that the monitoring station is configured to build a view of the components "based upon the identifying component data collected from the components." Because the cited references fail to disclose such elements, the cited references cannot support a *prima facie* case of obviousness with respect to claims 1-7.

Appellant believes that a short discussion of the operation of an exemplary embodiment of the present invention will be helpful to the Board and the Examiner in the present case. Accordingly, the following discussion of an exemplary embodiment the disclosed system is provided merely for the sake of clarity and understanding. Along these lines, in an exemplary embodiment, polling the *local* memory objects 100 within the components 32 facilitates development of a real-time representation of the system. *See, e.g., id.* at page 15, lines 20-24. For example, the monitoring station 18 can execute software that polls the components and that generates user-viewable representations based on the identity information gleaned from the *local* memory objects 100 *in the components* 32. *See, e.g., id.* at page 14, lines 5-15. Thus, the monitoring station 18 is capable of developing the appropriate view without requiring prior knowledge of the system 10. For instance, the monitoring station 18 may poll the network and learn that the system 10 includes three relays and, in turn, the monitoring station builds an appropriate view depicting the three relays. At a later point, if one of the relays is removed, a polling of the system 10 would elicit that only two relays are present. In response, the monitoring station 18 would present a view appropriate for the two remaining relays. Thus, with the exemplary embodiment, the views displayed at the monitoring station 18 are commensurate with the actual components in the system at the

time the view is built. In other words, the view is a real-time representation of the system, and is based on identity information learned *from the component itself.*

In the Office Action, the Examiner argued that the Tkacs et al. reference discloses "a plurality of monitoring screens viewable on the monitoring station and including representations of component designations and component status parameters based upon monitored data collected via the data network from the components in which *identifying* component data is stored." *See* Office Action mailed May 3, 2007, p. 3, lines 1-5 (emphasis added). The Examiner cited the following two passages of the Tkacs et al. reference in support of this assertion:

> **Column 7, lines 17-38:**
> A "Selection" is made by user action to identify a change in a selection made. A selection can be made by identifying an area of a diagram using a touch screen or peripheral pointer such as a mouse or light pen, and selecting a change in selection for that area. Alternatively, a change in selection can be made for all the members of a group.
>
> "Symbology" refers to all the aspects by which information is presented to users, such as the particular choices of language, characters, graphic symbols, units of measure and the like, from a larger set of possible choices.
>
> The monitoring apparatus 20 may be more or less complicated. For example, the apparatus can include feedback control outputs coupled to process actuators (not shown) or can simply monitor and report. In addition to display of process parameters, the system can include maintenance or engineering functions, such as usage monitoring, trend analysis functions or the like, upon which the system can report to the user via a suitably formatted display. In addition to displaying measured values, the system could be arranged to run simulations for assessing the likely result of various changes in operation.
>
> **Column 11, lines 45-49:**
> In this case, all the data points that fall into a group that can be designated values have been translated to form a

> partially translated output 76. Other variations are possible
> and should now be apparent.

See id.; Tkacs et al., col. 7, lines 17-38; Tkacs et al., col. 11, lines 45-49.

After careful review of these two passages, Appellant respectfully submits that these two passages do not support the Examiner's previous assertion. Particularly, while the first passage does disclose certain features of a monitoring apparatus 20, neither of these passages appear to disclose, teach, or even hint at components having component identification data stored therein, as recited in the instant claim. Further, the Examiner has provided no rationale or support for his blanket assertion that these passages do somehow teach components having component *identification data* stored therein. Further yet, the Office Action apparently fails to address the recitation of claim 1 that "the monitoring system is configured to build a view of the components in real-time based upon the identifying component data [collected from the components]." Because the Examiner has failed to identify where the Tkacs et al. reference or other prior art discloses such features, and has failed to provide any rationale or explanation for these deficiencies, the Office Action does not set forth a *prima facie* case of obviousness with respect to claims 1-7.

It is noted that, in the Office Action, the Examiner acknowledged that the Tkacs et al. reference "fails to specifically disclose collecting data from the components in which the data is stored." Office Action mailed May 3, 2007, p. 3, lines 16-17. In an attempt to overcome this deficiency, the Examiner alleged that Appellant's specification contains an admission that parameters may be sensed from components and, as a result, such components inherently store data and transmit data through a network.[1] *See id.* at p. 3,

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[1] Particularly, the portion of the Specification on which the Examiner relies reads:

> A wide variety of systems are available for control and monitoring functions,
> particularly in industrial settings. Such systems may include components which regulate
> the application of electrical power to loads, such [as] electric motors. In a motor control
> center, for example, circuit protection devices, component protection devices, drives,
> starters, relays, disconnects, and so forth are interconnected to carryout desired industrial
> processes. The processes may be defined by pre-established routines, and may rely upon

lines 17-21. The Examiner further argued that it would have been obvious to one of ordinary skill in the art to combine such a feature with the Tkacs et al. system "since it would have allowed a user to obtain component data via a data network." *See id*. at p. 3, line 21 – p. 4, line 2. The Examiner's reliance on Appellant's specification is misplaced, and evidences an incomplete understanding of the instant claims by the Examiner.

Particularly, independent claim 1 generally recites control and monitoring components *having identification data stored therein*, and a monitoring station configured to collect such identification data from the components to build a real-time view of the components based on the collected identification data. As noted previously, the Tkacs et al. reference fails to disclose or teach either components having their identification data stored therein, or the collection of such identification data from the components to enable a monitoring station to build a real-time view based on the collected identification data. Even assuming, for the sake of argument, that the Examiner's assertion regarding an alleged admission in the Specification that some operational data may be collected from a component was correct, this assertion does not obviate the deficiencies of the Tkacs et al. reference. More specifically, the mere suggestion that operational data may be collected from a component does not inherently disclose or suggest the storage of component identity data within the component, or the collection of such identity data from the component to enable a monitoring station to build a real-time view of a system from the identification data collected from the components themselves, as generally recited in independent claim 1.

Additionally, the Bapat does not appear to obviate the above deficiencies of the Tkacs et al. reference and the allegedly-admitted prior art of the Specification. Consequently, even considered collectively, the Tkacs et al. reference, the Bapat reference, and the allegedly-admitted prior art in the Specification fail to disclose each

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sensed parameters and operator-induced command inputs, all of which are transmitted
through a data network.
Specification, page 1, lines 12-19.

and every element of claims 1-7. As the Office Action fails to otherwise account for these deficiencies, a *prima facie* case of obviousness has not been established and the instant rejection cannot be sustained.

B.   **Ground of Rejection No. 2:**

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as unpatentable over the Tkacs reference, the Bapat reference, and the Specification, in further view of the Bargh et al. reference. Appellant respectfully traverses this rejection.

Deficiencies of the Rejection

Appellant respectfully notes that claim 8 depends from independent claim 1. As discussed above, the Tkacs et al. reference, the Bapat reference, and the allegedly-admitted prior art of the Specification collectively fail to disclose each element of independent claim 1. Further, Appellant respectfully submits that the Bargh et al. reference does not obviate the deficiencies of the Tkacs et al. reference, the Bapat reference, and the allegedly-admitted prior art of the background section of the Specification discussed above with respect to independent claim 1. As a result, Appellant respectfully asserts that dependent claim 8 is allowable on the basis of its dependency from a respective allowable independent claim, as well as for the subject matter separately recited in this dependent claim.

In light of the foregoing remarks, Appellant respectfully requests that the Board reverse the obviousness rejection of claim 8.

C.   **Ground of Rejection No. 3:**

The Examiner rejected claims 9-20 and 22-28 under 35 U.S.C. § 103(a) as unpatentable over the Tkacs reference in view of the Specification. Because the art relied upon by the Examiner fails to disclose, teach, or even hint at each and every element of the instant claims, Appellant respectfully submits that a *prima facie* case of obviousness

has not been established and respectfully requests that the Board reverse this improper rejection.

Deficiencies of the Rejection of Claims 9-14 and 16-19

Appellant respectfully submits that the Tkacs et al. reference and the background section of Appellant's specification collectively fail to disclose each element of claims 9-14 and 16-19. For instance, independent claim 9, which is believed to be representative of this group of claims (i.e., claims 9-14 and 16-19), recites "a plurality of control and monitoring components...including at least *data* identifying the components *stored in the respective components*" (emphasis added). Independent claim 9 also recites "a monitoring station coupled to [a] data network and configured to access...the identifying data from the components" and "a plurality of monitoring representations built in real-time *based upon the identifying data*" (emphasis added).

Appellant respectfully notes that the rejection of claim 9 set forth in the Office Action is generally copied from various portions of the rejection of claim 1. *Compare* Office Action mailed May 3, 2007, p. 5, line 19 – p. 6, line 16 *with id.* at p. 2, line 20 – p. 4, line 2. Notably, the rejection of claim 9 relies on the same portions of the Tkacs et al. reference and the allegedly-admitted prior art discussed previously with respect to claim 1. As will be appreciated from the discussion of claim 1 above, however, the Tkacs et al. reference fails to disclose any structure analogous to: (1) the plurality of components "including at least data identifying the components stored in the respective components," (2) a monitoring station configured to access such identification data, or (3) "a plurality of monitoring representations built in real-time based upon the identifying data," as generally recited by independent claim 9. Additionally, the allegedly-admitted prior art of the Specification teaches, at best, that operational data can be collected from components. This allegedly-admitted prior art, however, contains no disclosure or teaching that can be equated with the recited features enumerated above. Consequently, for at least these reasons, in addition to those provided above with respect to independent claim 1, Appellant respectfully submits that the present rejection of claims 9-14 and 16-

19 fails to establish a *prima facie* case of obviousness with regard to these claims, and respectfully requests that the Board reverse this rejection.

Deficiencies of the Rejection of Claim 15

Appellant respectfully notes that claim 15 depends from independent claim 9. As discussed above, the Tkacs et al. reference and the allegedly-admitted prior art of the Specification collectively fail to disclose each element of independent claim 9. Appellant respectfully asserts that dependent claim 15 is allowable at least on the basis of its dependency from a respective allowable independent claim. Additionally, however, Appellant respectfully submits that the additional subject matter separately recited in this claim is absent from the art cited by the Examiner.

Dependent claim 15 recites "wherein the components are configured to store component designation data and to transmit the designation data to the monitoring system upon demand by the monitoring system." In the Office Action, the Examiner merely alleged that such a feature is disclosed in column 7, lines 28-38, of the Tkacs et al. reference. *See* Office Action mailed May 3, 2007, p. 7, lines 10-12. This passage, in its entirety, reads:

> The monitoring apparatus 20 may be more or less complicated. For example, the apparatus can include feedback control outputs coupled to process actuators (not shown) or can simply monitor and report. In addition to display of process parameters, the system can include maintenance or engineering functions, such as usage monitoring, trend analysis functions or the like, upon which the system can report to the user via a suitably formatted display. In addition to displaying measured values, the system could be arranged to run simulations for assessing the likely result of various changes in operation.

Tkacs et al., col. 7, lines 28-38.

Appellant respectfully notes that this passage, contrary to the Examiner's assertion, does not appear to disclose any feature analogous to the recited "component designation data," let alone storing such designation data in the components and

transmitting the designation data to the monitoring system on demand, as recited in the instant claim. Because this passage does not, in fact, disclose the subject matter of claim 15, yet constitutes the entire basis for the Examiner's rejection of this claim, Appellant respectfully submits that a *prima facie* case of obviousness with respect to claim 15 has not been established. Accordingly, for at least this additional reason, Appellant respectfully requests that the Board reverse the improper rejection of claim 15.

Deficiencies of the Rejection of Claims 20 and 22-28

Appellant respectfully submits that the Tkacs et al. reference and the allegedly-admitted prior art of Appellant's specification collectively fail to disclose each element of claims 20 and 22-28. For example, independent claim 20, which is believed to be representative of this group of claims, recites "accessing component status and *identity data* from a plurality of electrical components…, each component storing its respective identity data" (emphasis added). Also, claim 20 recites "displaying a plurality of monitoring representations for the components, built in real-time *based on* the status and *identity data*" (emphasis added).

In rejecting claim 20, the Examiner again noted that the Tkacs et al. reference fails to disclose collecting data from the components in which the data is stored, and relied on the allegedly-admitted prior art of the Specification as disclosing data collection from such components. *See* Office Action mailed May 3, 2007, p. 8, lines 4-12. As generally noted above with respect to claim 1, however, the allegedly-admitted prior art teaches, at best, collecting operational data from a component. The passage of the Specification on which the Examiner relies does not in any way teach or suggest accessing component identity data from a plurality of components in which each component contains its respective identity data, and then displaying real-time representations of the components based on the identity data, as generally recited in independent claim 20. As neither the Tkacs et al. reference nor the allegedly-admitted prior art can be reasonably considered to disclose such features, and the rejection of claim 20 set forth in the Office Action fails to otherwise account for these features, Appellant respectfully submits that the present rejection of claims 20 and 22-28

cannot be sustained. Accordingly, for at least these reasons, in addition to those provided above with respect to independent claims 1 and 9, Appellant respectfully requests that the Board reverse the rejection of these claims.

D.   Ground of Rejection No. 4:

The Examiner rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over the Tkacs reference and the Specification, and further in view of the Bargh et al. reference. Appellant respectfully traverses this rejection.

Deficiencies of the Rejection

Appellant respectfully notes that claim 21 depends from independent claim 20. As discussed above, the Tkacs et al. reference and the allegedly-admitted prior art of the Specification collectively fail to disclose each element of independent claim 20. Further, Appellant respectfully submits that the Bargh et al. reference does not obviate the deficiencies of the Tkacs et al. reference and the allegedly-admitted prior art of the background section of the Specification discussed above with respect to independent claim 20. As a result, Appellant respectfully asserts that dependent claim 21 is allowable on the basis of its dependency from a respective allowable independent claim, as well as for the subject matter separately recited in this dependent claim.

In light of the foregoing remarks, Appellant respectfully requests that the Board reverse the obviousness rejection of claim 21.

Conclusion

      In view of the above remarks, Appellant respectfully submits that the Examiner has provided no supportable position or evidence that justifies the present improper rejections of claims 1-28, and has failed to meet his burden in establishing a *prima facie* case that claims 1-28 are unpatentable. Consequently, Appellant respectfully requests that the Board reverse the pending rejections, and submits that all pending claims are in condition for allowance. If the Examiner or Board wishes to resolve any other issues by way of a telephone conference, the Examiner or Board is kindly invited to contact the undersigned attorney at the telephone number indicated below.

                Respectfully submitted,

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8.   **APPENDIX OF CLAIMS ON APPEAL**

1.   A control and monitoring system including a plurality of control and monitoring components coupled to a monitoring station via a data network, the system comprising:

a database including component data descriptive of the components and a plurality of language fields including textual labels for component data presentations translated into a plurality of languages; and

a plurality of monitoring screens viewable on the monitoring station and including representations of component designations and component status parameters based upon monitored data collected by the monitoring station via the data network from the components in which identifying component data is stored, the screens including textual labels for the representations; wherein the monitoring station is configured to build a view of the components in real-time based upon the identifying component data and to access textual labels in a desired language from the database for display in the monitoring screens based upon the identifying component data collected from the components.

2.   The system of claim 1, wherein at least one monitoring screen includes a user viewable menu for selecting the desired language.

3.   The system of claim 2, wherein the monitoring station is configured to change textual labels in respective monitoring screen upon a change by a user of the desired language without otherwise altering the monitoring screen.

4.   The system of claim 1, wherein the component data in the database includes component parameter settings.

5.   The system of claim 1, wherein the component data in the database includes historical event data for the components.

6.   The system of claim 1, wherein the component data in the database includes textual data descriptive of each component, and wherein the textual data is translated into the desired language for display.

7.   The system of claim 1, wherein the component data in the database includes data representative of an image of each component.

8.   The system of claim 1, wherein the monitoring station is configured automatically to poll the components for the component status parameters and to display the updated status parameter representations with currently selected desired language labels.

9.   An industrial control and monitoring system comprising:

a plurality of control and monitoring components configured to control or monitor application of electrical power to a load, and including at least data identifying the components stored in the respective components;

a data network coupled to the components for accessing parameter and identity data from the components;

a database including component data descriptive of the components; and a plurality of language fields including textual labels for component data presentations translated into a plurality of languages;

a monitoring station coupled to the data network and configured to access the parameter data and the identifying data from the components; and

a plurality of monitoring representations built in real-time based upon the identifying data and viewable on the monitoring station and including data about components and component status parameters based upon the parameter data, the representations including textual labels from the database in a desired language from the plurality of languages for display in the monitoring screens.

10.   The system of claim 9, wherein the database is stored at the monitoring station.

11.   The system of claim 9, wherein the monitoring representations include a user viewable menu of selectable languages.

12.   The system of claim 11, wherein the monitoring station is configured to access the desired language for the textual labels from the database based upon a user selection made via the menu.

13.   The system of claim 9, wherein the textual labels are displayed with component status parameters updated in real time.

14.   The system of claim 13, wherein the desired language may be selectively changed by a user in real time without otherwise altering display of real time updated component status parameters.

15.   The system of claim 9, wherein the components are configured to store component designation data and to transmit the designation data to the monitoring system upon demand by the monitoring system.

16.   The system of claim 9, wherein the component data in the database includes component parameter settings.

17.   The system of claim 9, wherein the component data in the database includes historical event data for the components.

18.   The system of claim 9, wherein the component data in the database includes textual data descriptive of each component, and wherein the textual data is translated into the desired language for display.

19.   The system of claim 9, wherein the component data in the database includes data representative of an image of each component.

20.   A method for monitoring status of a system including a plurality of networked electrical components, the method comprising the steps of:

accessing component status and identity data from a plurality of electrical components of a control and monitoring system via a data network, each component storing its respective identity data;

accessing textual labels corresponding to the component status data from a system database, the database including translations of the textual labels in a plurality of languages and component descriptions for the components; and

displaying a plurality of monitoring representations for the components, built in real-time based on the status and identity data, including presentations of component status data and textual labels in a desired language of the plurality of languages accessed from the database.

21.   The method of claim 20, wherein the component status data is accessed by a monitoring station through periodic polling of the components by the monitoring station.

22.   The method of claim 20, wherein the textual labels are accessed from the database in accordance with predetermined fields of the representations.

23.   The method of claim 22, wherein the textual labels are accessed from the database in accordance with a user selection of the desired language.

24.   The method of claim 23, wherein the representations include a user viewable menu for selecting the desired language.

25.   The method of claim 24, wherein the desired language can be changed in real time by user selection via the menu.

26.   The method of claim 20, wherein the component descriptions are displayed in the monitoring representations for the respective components.

27.   The method of claim 26, wherein the component descriptions are stored in the database in the plurality of languages.

28.   The method of claim 27, wherein the component descriptions are displayed in the monitoring representations in the desired language.

9.   **APPENDIX OF EVIDENCE**

None

10. **APPENDIX OF RELATED PROCEEDINGS**

None